

Caswell County Board of Adjustment
February 15, 2022

Members Present:

Vice Chair Nikki Turner, Stephen Barmann, John Claggett, Ray Shaffner.

Also Present:

Planning Director Matthew Hoagland, Development Services Coordinator Amy Lyle.

Members Absent:

Chairman Tim Yarbrough

Called to Order

Vice Chairman Nikki Turner called the February 15, 2022 Board of Adjustment meeting to order at 2:00 p.m.

Approval of September 7, 2021 Meeting Minutes

Mr. Barmann made a motion to approve the September 2021 Board of Adjustments minutes. Mr. Shaffner seconded the motion. Mr. Shaffner asked if there was any discussion regarding the items they discussed during the September meeting. Specifically, they discussed requesting the Commissioners consider compensation for the board and appointing alternates for the board. Mr. Claggett recalled that the compensation issue received a motion but no second during their debate. Mr. Hoagland then added that, on the issue of alternates, there was a motion to appoint alternates, but it failed for lack of a second, then there was a motion not to appoint alternates, but it also failed for lack of a second. Mrs. Turner then took vote by roll call. The motion carried unanimously.

New Business

Gravitte Variance Petition

Vice Chair Nikki Turner swore in the following persons in preparation for the variance hearing: Randy Gravitte, Christi Gravitte, Anthony Rotoli, Donnie Powell, and Matthew Hoagland.

Mr. Hoagland read the following memo aloud:

“Property owners Randall and Christi Gravitte are requesting a variance from Hyco Lake Zoning Area setback regulations for the construction of a proposed single-family dwelling, garage, and associated covered porch located at 248 Seven Pier Road in Leasburg. The property currently contains a vacant manufactured home which the property owners plan to remove and replace. The property is zoned Resort Residential, which requires a side yard setback of 15 feet.

The applicants are requesting a variance from both side setbacks since the locations of both the proposed dwelling and proposed garage would violate the 15-foot rule. According to the variance application, such placement is needed because, the “Lot narrows and this helps with septic site and well.” Pursuant to Section 4.2.8. of the Unified Development Ordinance, a four-fifths vote is necessary to grant a variance.

At this time, Madam Vice Chair, I would like to enter all documents related to the variance into the public record unless there is an objection. I would also like to note that a hearing notice sign was placed at the property and letters notifying adjoining property owners of the hearing were mailed in a timely manner to satisfy ordinance requirements. Finally, for the board’s consideration I will read Section 4.2.2. of the UDO which outlines the criteria necessary for granting a variance.” Mr. Hoagland then read the section aloud.

Mr. Hoagland concluded, "with that I'm happy to answer any questions the board may have before you hear from the applicant."

Mr. Barmann asked Mr. Hoagland to read the section of the UDO regarding the topography of the property. Mr. Hoagland re-read section 4.2.2 of the UDO. Mr. Barmann asked if the issue with the property was that the 14.5-foot spacing that is encroaching on the setbacks. Mrs. Turner then asked if Mr. Gravitte would like to add anything. Mr. Gravitte mentioned that the lot narrows as it goes back. If the variance is approved, it would allow them to keep the septic drain field by the water as the site plan shows and the existing well would stay where its currently located. Mr. Hoagland had an image of 'Site Plan 2' available on a screen for viewing.

Mr. Powell then spoke at the request of Mr. and Mrs. Gravitte. He explained that the property had been evaluated, and the Environmental Health determination is that the drain field area closest to the water is the best option. There's also an issue with creating a new well site because the well is shared between two properties. Therefore, they asked the property owners to essentially slide the house up the hill to accommodate the drain field. Mr. Powell stated that a new well could not be placed onto the property without going over the setback limits. He stated that Mr. Gravitte was asked to slide the home back on the property to try and allow for the well to be installed. After extensive attempts to try to get the home and well onto the property, Mr. Powell stated that the variance is the only way that would make the plans work.

Mr. Rotoli, the property owner next to Mr. Gravitte, stated that he shares the well with the Gravittes and has no problem with the variance.

Ms. Turner asked if the house plans could be altered, would there still be an issue or would the variance still be needed. Mr. Powell stated that it would not really be feasible to change the house plans because of all the time, money, and legwork between the contractor and their department invested into the current plans. At this point, changing that would become quite expensive.

Mr. Barmann asked if the existing well and septic would stay in place. Mr. Powell said part of the existing septic will be utilized but upgrades will be needed. However, the shared well will not be altered. Mr. Barmann asked for clarification if the issue is that, after all the changes, the setback encroachment would now be six inches on each side. Mr. Powell confirmed that's correct. Mr. Barmann asked if the existing, vacant mobile home would be replaced with a new stick-built house. Mr. Gravitte stated that the mobile home would be removed.

Mr. Shaffner said that it seems like a simpler plan would be to adjust the plan so that the home was designed to be smaller or moved over slightly so that the setbacks would not be violated. Mr. Shaffner clarified that only one neighbor is present to give his approval and the other one, Mr. Lunsford, isn't here to give testimony. Ms. Turner asked if the porch and garage were the only things that were encroaching the setbacks. Mr. Powell confirmed that's correct.

Mr. Hoagland asked the applicants if the entire side of the house was parallel to the garage and all the same distance from the property line as the garage. Mr. Gravitte said none of the house would encroach on the setback, only the garage.

Mr. Shaffner asked again if just moving the house north slightly and the garage down just six inches would remedy the violation. Mr. Powell responded that the direction they gave to the surveyor was to maneuver the footprint of the house on the lot to have minimal impact on the setbacks. Mrs. Gravitte

added that moving the garage would be mis-aligned to the front of the house and block the front door based on the angle they'll be coming in with the new driveway.

Ms. Turner asked what would be impacted if the garage was pulled in. Mr. Gravitte said it would off-set the breezeway and entrance from the garage to the main door of the house. Mrs. Gravitte added that their vehicles wouldn't fit into the garage if they reduced the size of it. Also, it would encroach on the entrance to their house if they moved it. Mr. Powell stated that the property is sloped in such a way that any little movement can offset the house plans. He added that up to now a tremendous amount of leg work has gone into adjusting the site plan to how it is currently laid out.

Mr. Shaffner asked Mr. Hoagland if the variance met the required guidelines. Mr. Hoagland stated that he was not in a position to determine if it met the guidelines, that is the board's responsibility. However, he would be happy to read the variance criteria again for the board's consideration.

Mr. Claggett asked if there were any problems with well and septic based on the layout of 'Site Plan 2.' Mr. Powell replied no. Mr. Powell stated that they originally proposed a second, new well but that proposal did not work out based on well setback requirements and the fact that the well is shared. That site has a shared well that was deeded to two properties, so there are possible legal challenges to altering it.

Mr. Claggett then made a motion to approve the variance. Mr. Barmann said that based on topography, Environmental Health recommendation on the septic, the current well, and that they have attempted to meet the spirit of the ordinance that he will second the motion. Ms. Turner asked if there was any further discussion. Mrs. Turner took vote by roll call. The motion carried unanimously.

Mr. Hoagland informed Mr. and Mrs. Gravitte that he will send them written confirmation of the variance soon.

Adjournment

Mr. Claggett made a motion to adjourn the February 15, 2022 Board of Adjustments Meeting. The motion carried unanimously.



CASWELL COUNTY PLANNING DEPARTMENT

144 Main Street, Yanceyville, NC 27379 | Office: 336-694-9731 | Fax: 336-694-5547 | Email: mhoagland@caswellcountync.gov

VARIANCE PETITION APPLICATION

FEE: \$150

Property Owner Name: Randy + Christi Gravette
Mailing Address: 2428 Helena Morison Rd. Timberlake NC.
Property Address: 248 Seven Pines Rd. Leesburg
Telephone Number: 736 503 4054 Email Address: randy.gravette@charter.net
Tax Map & Parcel Number: 139A-006
Description of Current Development and Use on Property: Vacant manufactured home to be removed.

Please list below the Article(s) and Section(s) of the Unified Development Ordinance you're seeking a variance from and include a brief description.

See 5.5 Current Regulation side yard setback of 15'
LOT narrows and this helps with septic field and
wall

OFFICIAL USE ONLY

Date Received: 3 January 2022

Notes: Variance request planned for February Board of Adjustment agenda, pending submission of final site plan.
Final proposed site plan received Jan. 6th. Variance request scheduled for Feb. 15th, 2022 meeting.

Action: Variance approved by Board of Adjustment during February 15, 2022 Regular Meeting
William P. Hargis **APPROVED** 15 February 2022
UDO Administrator Date

12-22-2021

GRAVITE

1"=30'

ANTHONY R.
ROTOLI
O.B. 356
P. 1226

DUKE ENERGY
PROGRESS
HTCO LAKE

420'
CONTOUR

N 12°22'34" E 100.55

20.97'

23.91'

PROPOSED
DWELLING

PROPOSED
GARAGE

PROPOSED
DRIVE

O PROPOSED
WELL

0.49
ACRE

D.B. 606
P. 828
M.B. 3
P. 728

WELL

PROPOSED
DRAINAGE

S 22°19'41" W 84.77

RAILROAD
SPIKE
SET

HEMLOCK
TREE

N 84°57'42" W 228.97

BRIAN
WAYNE
LUNSFORD
O.B. 624
P. 803

IPS

- LEGEND**
- Existing Iron Bar (1/2" unless noted)
 - Existing Iron Pipe (3/4" unless noted)
 - 1/2" Iron Pipe Set
 - Existing Nail
 - Nail Set
 - Computed Point
 - Non-Surveyed Lines
 - Right-Of-Way Lines
 - Centerlines

Sheet No.	1 of 1
Survey Date	FEB. 8, 2022
Project No.	21R-011
Client	1-20
Drawn By	AM
Checked By	JM

Other References:

Property Address: 248 SEVEN PIER ROAD
MILTON TWP., CASWELL COUNTY, N.C.

RANDALL W. GRAVITTE
CHRISTI L. GRAVITTE

PLOT PLAN



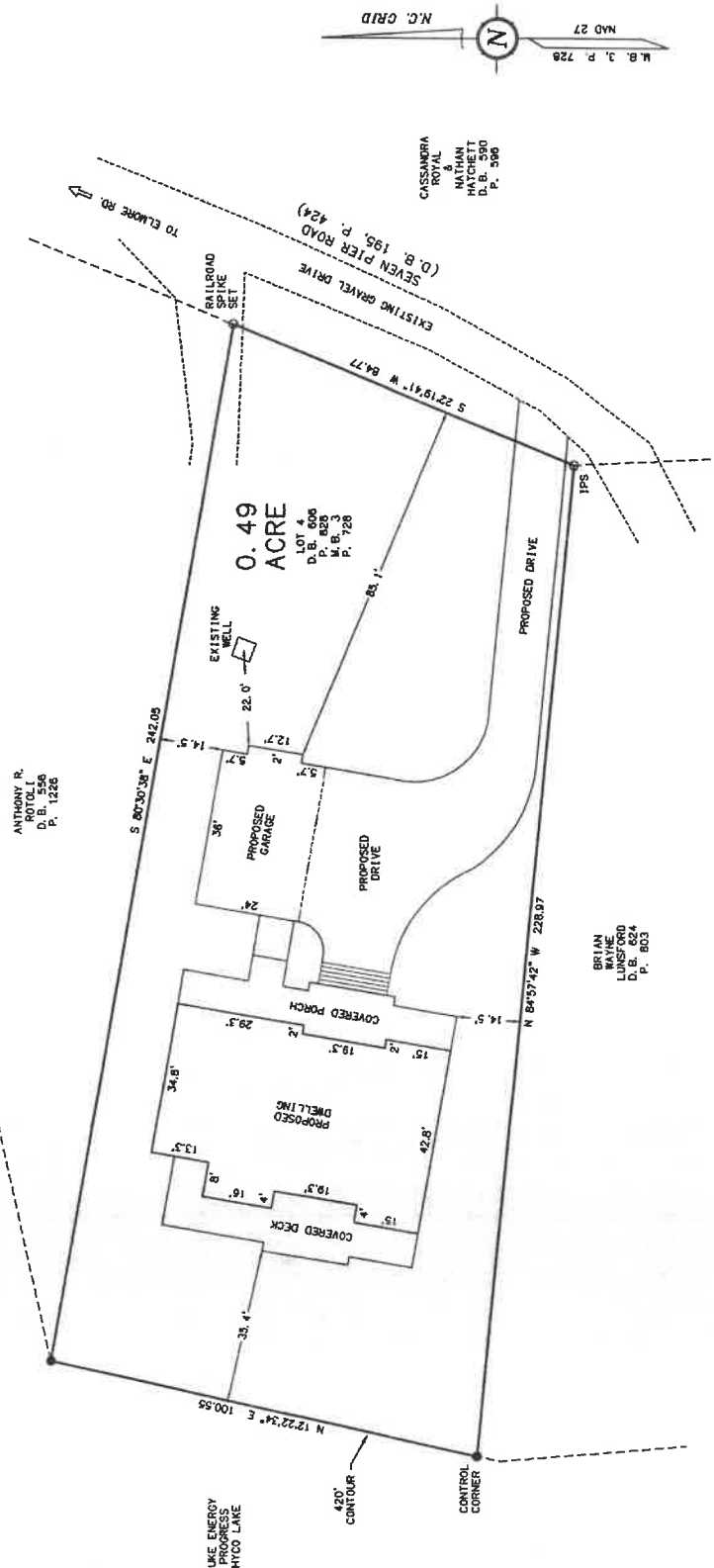
ENGINEERING & LAND SURVEYING - LANDSCAPE ARCHITECTURE
212 S. LAMAR STREET, ROXBORO, N.C. 27573
p.336.599.8742 f.336.599.3019 info@cjt.pd.com

CJT P.A.

L.C. #1209

NOTE: PROPERTY IS SUBJECT TO
JOINT WELL AGREEMENT
(D.B. 201, P. 198)

MAP & PARCEL NUMBER: 139A-006



I, JOHN J. JENNINGS, CERTIFY THAT THIS PLAT WAS
DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY
PERFORMED UNDER MY SUPERVISION (REFERENCES AS
SHOWN). ANY BOUNDARIES NOT SURVEYED ARE CLEARLY
INDICATED AS DRAWN FROM REFERENCES SHOWN AND/OR
INDICATED BY A BROKEN LINE. THAT THE RATIO OF
PRECISIONAL ACCURACY IS 1:1000 AND THAT THIS
MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF
PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA
(21 NCAC 58.1600).

WITNESS BY ORIGINAL SIGNATURE AND SEAL THIS THE
4 DAY OF JAN. 20 22

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER 1-1042



I, JOHN J. JENNINGS, CERTIFY THAT THIS
SURVEY IS AN EXISTING PARCEL (OR PARCELS)
WITHIN A SUBDIVISION MAP RECORDED IN BOOK
800, PAGE 828 AND/OR MAP 139A-006, PAGE 228.
WITNESS MY HAND AND SEAL THIS 4 DAY OF
JAN. 20 22

PROFESSIONAL LAND SURVEYOR